

Exhibit A

From: [Nowak, Christine](#)
To: [Arcadi, Ann Marie](#)
Cc: [Stone, Jack J.](#); [Colao, Brian](#); [Hanson, Thomas](#); [Schortgen, Steven G.](#); [Ayers, Jennifer Klein](#)
Subject: RE: HPQC Access & Extension of CCI Rebuttal Deadline
Date: Thursday, May 01, 2014 10:29:01 AM

Ann Marie –

We are agreeable to a mutual extension of the May 6 deadline to May 20 and by way of this email confirm that the current agreement between the parties dated April 7, 2014 is modified as follows: any expert designations or reports by the parties in response to and/or rebutting any experts designated on April 15, 2014 shall be served on or before May 20, 2014. In addition, we will agree to make Mr. Turner available for deposition the week of May 26, so long as Mr. Trivett is also made available that same week. Thank you.

Christine

From: Arcadi, Ann Marie [mailto:annmarie.arcadi@klgates.com]
Sent: Tuesday, April 29, 2014 2:53 PM
To: Nowak, Christine
Cc: Stone, Jack J.; Colao, Brian; Hanson, Thomas; Schortgen, Steven G.; Ayers, Jennifer Klein
Subject: RE: HPQC Access & Extension of CCI Rebuttal Deadline

Christine: I forwarded the Bates number to you in a previous email.

Your argument below is wholly unpersuasive. The bottom line is that Xerox previously produced all documents and information upon which Mr. Trivett's Report relies, including all data extracted from HPQC, as required by the Rules. CCI and its expert has had the same HPQC extract provided to and relied upon by Mr. Trivett since long before Mr. Turner issued his expert report in this case. There is simply no basis whatsoever for CCI's request for an extension of the current May 6th deadline.

Nonetheless, solely to avoid wasting the parties' and the Court's time and resources on yet another baseless discovery motion, Xerox will agree to a mutual extension of the May 6th deadline to May 20th, but only if Mr. Turner is made available for his deposition during the week of May 26th. We will offer Mr. Trivett's deposition after Mr. Turner's deposition.

If this is agreeable, please let me know.

Ann Marie

From: Nowak, Christine [<mailto:CNowak@dykema.com>]
Sent: Tuesday, April 29, 2014 2:12 PM
To: Arcadi, Ann Marie
Cc: Stone, Jack J.; Colao, Brian; Hanson, Thomas; Schortgen, Steven G.; Ayers, Jennifer Klein
Subject: RE: HPQC Access & Extension of CCI Rebuttal Deadline

Ann Marie:

Further review of your expert's report makes clear that he was provided access to HPQC (not static data); moreover, you still have yet to provide the bates-numbers for the HPQC data KL Gates did produce.

Without continuing to argue about these points, one thing is clear - access to the actual HPQC was not provided to CCI's expert until today (April 29) which is 14 days after your expert's report was served and only six days before our rebuttal, if any, under the parties' current agreement is due. CCI's expert will require additional time, beyond the current May 6 deadline to review the HPQC materials which your expert had access to (even if merely to confirm that the data is identical to the bates-numbers you have yet to provide). CCI once again requests that we modify the May 6 deadline to enable CCI an opportunity to do this. If we are unable to reach agreement on this point, CCI will be forced to ask the Court for relief which, frankly, at this juncture is not in either party's best interests.

I look forward to hearing from you. Thank you.

Christine

From: Nowak, Christine
Sent: Monday, April 28, 2014 6:06 PM
To: Arcadi, Ann Marie
Cc: Stone, Jack J.; Colao, Brian; Hanson, Thomas; Schortgen, Steven G.; Ayers, Jennifer Klein
Subject: RE: HPQC Access & Extension of CCI Rebuttal Deadline

Ann Marie - can you provide the bates numbers for the production you reference? And can you advise whether your expert was provided this production or actual access to HPQC? Thank you.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Arcadi, Ann Marie"
Date: 04/28/2014 3:48 PM (GMT-08:00)
To: "Nowak, Christine"
Cc: "Stone, Jack J." , "Colao, Brian" , "Hanson, Thomas" , "Schortgen, Steven G." , "Ayers, Jennifer Klein" , "Arcadi, Ann Marie"
Subject: RE: HPQC Access & Extension of CCI Rebuttal Deadline

Christine,

First, your email below misrepresents Jack's email exchange with you (which I have reviewed) regarding HPQC access. Second, Xerox has - as always- complied with the Rules regarding the production of documents to CCI/Dykema that were reviewed and relied upon by Xerox's experts. Contrary to your comments below, Xerox previously produced all documents and information upon

which Mr. Trivett's Report relies, including all data extracted from HPQC. In fact, Xerox produced the HP QC Export – 8.9.2011 to 12.6.2012.xlsx, in native form, on November 6, 2013. Consequently, both CCI and its expert, Mr. Turner, had the same HPQC extract provided to and relied upon by Mr. Trivett more than five months before Mr. Turner issued his own expert report in this case. Any attempt by CCI (or the Dykema lawyers) to manufacture a discovery dispute out of Xerox's willingness to provide CCI and its experts with an accommodation above what is required by the Rules is precisely the type of rhetoric the Court recently cautioned the parties to avoid. Accordingly, Xerox will not agree to CCI's request for a unilateral extension to the deadline to serve rebuttal expert reports, and expects CCI to serve any rebuttal expert report no later than May 6, 2014.

As Jack mentioned last week, however, Xerox will provide read-only access to the HPQC database as an accommodation to CCI and its experts. Now that we've received the information necessary to create your accounts, we anticipate sending the instructions, usernames, and passwords to you in short order. If you have any further questions, please give me a call.

Ann Marie

From: Nowak, Christine [\[mailto:CNowak@dykema.com\]](mailto:CNowak@dykema.com)
Sent: Friday, April 25, 2014 3:53 PM
To: Arcadi, Ann Marie
Cc: Stone, Jack J.; Colao, Brian; Hanson, Thomas; Schroeter, Thomas K.
Subject: HPQC Access & Extension of CCI Rebuttal Deadline

Ann Marie –

Jack advised us on Wednesday of this week (eight days after Xerox's expert report was served) that he was making HPQC access available for our experts. Today (now ten days after Xerox's report was served and only ten days before the parties have agreed to serve any further rebuttal reports) he clarified that this access was being made available because Xerox's expert was provided and considered these materials in connection with issuing his rebuttal report. I am concerned that once again Xerox's experts were provided materials that have not been produced in this case or otherwise made available to CCI.

However, putting that issue aside (and without waiver of any rights related to same), given the late hour at which access is being provided - CCI's expert will require additional time, beyond the current May 6 deadline, to review these HPQC materials and subsequently issue any rebuttal report. Accordingly, CCI requests that the current agreement between the parties dated April 7, 2014 be modified as follows: any expert designations or reports by CCI in response to and/or rebutting any Xerox experts designated on April 15, 2014 shall be served on or before May 23, 2014.

Please confirm that we have an agreement on this point. I am available to have a call if needed to resolve this issue. Moreover, access should be immediately provided to the following persons/email addresses:

Tom Hanson - thanson@dykema.com
Christine Nowak – cnowak@dykema.com

Brian Turner – bturner@PointB.com
Robert Gray – bob.gray@parentebeard.com

Thank you.

Christine



Christine A. Nowak
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